

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Criminal No. 06-cr-156-02-PB

Troy Cote

**O R D E R**

On October 29, 2012, the defendant appeared for an initial appearance on a supervised release violation issued on October 24, 2012. The defendant stipulated to "probable cause" and requested a detention hearing pursuant to Fed. R. Crim. P. 32.1(a)(6).

Under Rule 32.1(a)(6), the defendant bears the burden of establishing by clear and convincing evidence that he will not flee and that he poses no danger to any other person or to the community. Based on the content of the supervised release violation as well as the proffers presented at the hearing, and for the reasons more fully stated on the record (including the court's colloquy with defense counsel), the court finds the defendant has failed to meet this burden and that there are no conditions that are likely to assure the safety of the community. Most pertinent to this decision is the lack of efficacy of his repeated prior treatment opportunities and his inability to abide by conditions of release, which together present a danger to the

community as poignantly evidenced by the recent drug overdose death of a female associate while in his presence.

Accordingly, it is **ORDERED** that the defendant be detained pending a final revocation hearing. The final revocation hearing will be scheduled before Judge Barbadoro on November 20, 2012, at 11:00 am.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

**SO ORDERED.**

/s/ Daniel J. Lynch  
Daniel J. Lynch  
United States Magistrate Judge

Date: October 29, 2012

cc: Counsel of Record  
U.S. Marshal  
U.S. Probation